

Message Text

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17

ORIGIN AF-18

INFO OCT-01 EUR-25 IO-14 ISO-00 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03

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FM SECSTATE WASHDC

TO AMEMBASSY PRETORIA

INFO AMEMBASSY LONDON

USMISSION USUN NEW YORK

AMCONSUL CAPE TOWN

AMCONSUL DURBAN

AMCONSUL JOHANNESBURG

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E.O. 11652:N/A

TAGS: PINS, WA

SUBJECT: FLOGGINGS IN NAMIBIA

REF: A. PRETORIA 1504 B. PRETORIA 1419 C. PRETORIA 1218

1. DEPARTMENT IS CONCERNED BY PRESS REPORTS OF TWO RECENT FLOGGINGS IN THE OWAMBO HOMELAND AND REQUESTS EMBASSY TO ATTEMPT TO CONFIRM VALIDITY OF THESE REPORTS.

2. SHOULD REPORTS APPEAR TO BE ACCURATE, EMBASSY SHOULD PROMPTLY EXPRESS USG CONCERN TO DFA AT THE APPROPRIATE LEVEL AND REQUEST FURTHER INFORMATION. EMBASSY SHOULD REFER TO OUR EARLIER APPROACH (NOV. 6, 1973) REGARDING FLOGGINGS AND RE-EMPHASIZE OUR POSITION THAT THE SAG BEARS ULTIMATE RESPONSIBILITY FOR THEM. EMBASSY SHOULD POINT
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OUT OUR UNDERSTANDING THAT MARCH 22 RULING OF SWA SUPREME

COURT (REF C) AFFIRMS THE RIGHT OF ANYONE SENTENCED TO FLOGGING, REGARDLESS OF CHARGE, TO APPEAL THE SENTENCE TO HIGHER AUTHORITIES BEFORE EXECUTION OF SENTENCE. DFA ATTENTION SHOULD BE DRAWN TO REPORT (REF B) THAT JOHNNY KALOLA WAS NOT PERMITTED TO EVEN SPEAK LET ALONE DEFEND HIMSELF. SINCE SWA SUPREME COURT HAS JURIDICAL AUTHORITY OVER THE ACTIONS OF TRIBAL AUTHORITIES, WE BELIEVE THAT AS LONG AS SAG REMAINS IN TERRITORY, IT IS RESPONSIBLE FOR ENSURING THAT COURT RULINGS SUCH AS THIS WITH CLEAR HUMAN RIGHTS CONTENT ARE RESPECTED BY TRIBAL AUTHORITIES, AND THAT MEMBERS OF THE POPULATION ARE INFORMED OF SUPREME

COURT RULING. FINALLY DFA SHOULD BE REQUESTED TO PROVIDE US WITH INFORMATION ON STEPS SAG PLANS TO TAKE TO PREVENT FURTHER UNLAWFUL AS WELL AS MORALLY REPUGNANT FLOGGINGS BY TRIBAL AUTHORITIES. KISSINGER

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Decaption Note:
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